IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.771 OF 2006 IN SUIT NO.1234 OF 2004

Chandraprakash Ramdas Mishra and ors. ..Plaintiffs.
Vs.
Smt. Dharmadevi Bhola Mishra and ors. ..Defendants.

Mr. M.S.Bhandari i/by H.V.Chande for the Plaintiffs.

Mr. S.G.Aney with Mr.S.A.Ahmed i/by A.M. Debey for the Defendant Nos. 1 to 3.

CORAM : R.S. MOHITE,J.
DATED : 22/8/2006.

P.C.

1. This chamber summons seeks to set aside the order dated 20.6.2006 passed by the Commissioner for taking accounts before whom the evidence is being recorded. The record indicates that while the evidence of the plaintiffs was being recorded, the Advocate for the plaintiffs submitted to the Commissioner that he wants to lead evidence of documents produced by the Income Tax authorities with regard to the contents of the documents, veracity and truth of the said documents. The objection as raised by the Advocate for the defendant Nos.1 to 3 was that since they were public documents they need not be proved. Even as regards its contents, particularly, as the originals have been produced from the public record. By the impugned order,

the Commissioner rejected the application of the plaintiffs. Now before me a categorical statement is made by the counsel appearing for the defendants that as regards the documents which are specified in prayer clause (b) of the chamber summons, the defendants admit the genuineness of the signatures on these documents and they are signed by defendant No.2. The contents of these documents as well as truth of the contents of these documents are admitted by the defendants. Statement is made on instructions by the counsel appearing on behalf of the defendants. Statement is accepted. Same statement be made before the Commissioner and the matter to proceed before the Commissioner. In view of the statement made by the defendants, chamber summons is not pressed and the same stands disposed of.

(R. S. MOHITE, J.)